

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2044.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	May 28, 2003
DATE OF REPORT:	June 27, 2003
REQUEST FOR RECONSIDERATION:	
DATE OF CLOSURE:	August 14, 2003

COMPLAINT ISSUES:

Whether Plainfield Community School Corporation and West Central Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written; specifically, failing to provide learning disability (LD) resource services.

FINDINGS OF FACT:

1. The Student is thirteen years old and attends the local middle school ("the School"). The Student has been determined eligible for special education as a student with a learning disability.
2. The Student's IEP for December 2000 to December 2001 identified placement in the least restrictive environment as "resource room with special education and related services provided outside the general education classroom 21-60% of the instructional day. The Student's last agreed-upon IEP, with a duration of December 6, 2001, through December 6, 2002, identified the same placement. This IEP also required the Student to receive resource services in a special education classroom for thirty minutes, four times a week.
3. The Student was placed in general education classrooms for the 2002-2003 school year. According to the local director, the School does not have a separate resource room. The local director also asserts that the placement marked on the December 2000 and the December 2001 IEPs was incorrect and that it should have identified the Student's placement as "general education classroom with special education and related services provided outside the general education classroom 0-20% of the instructional day.
4. According to the local director, the Student received 45 minutes of resource services each day in the general education classroom; however no documentation of these services was provided.
5. Although a number of CCC meetings were convened prior and subsequent to the December 6, 2002, expiration date (October 15, 2002; January 15, 2003; February 13, 2003; April 14, 2003; and May 23, 2003), the CCC has been unable to reach agreement on a new IEP. The school did not pursue mediation or a due process hearing to attempt to resolve the disagreement on the IEP contents.

CONCLUSION:

1. Findings of Fact #2 through #5 indicate that the School failed to implement the Student's IEP as written. Specifically, the School failed to place the Student in the least restrictive environment identified in the Student's last agreed-upon IEP. Further, the School failed to provide the resource services in a separate classroom. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Plainfield Community School Corporation and West Central Joint Services shall:

1. convene the Student's CCC no later than July 15, 2003. The CCC shall:
 - a. consider the Student's need for compensatory services as a result of the School's failure to implement the Student's IEP as written. The CCC notes shall clearly detail the CCC's discussion of and determination regarding the provision of compensatory services. If the CCC agrees that compensatory services are required, the IEP shall clearly delineate how the compensatory services will be provided.
 - b. develop an agreed-upon IEP for the upcoming school year. If no agreement has been reached by July 15, 2003, the School shall request a due process hearing to resolve the disagreement regarding the Student's placement and the special education and related services to be provided.
2. submit a copy of the CCC Report and IEP (with parent's signature confirming agreement and permission for services) to the Division no later than July 20, 2003. If no agreement is reached, the School shall submit a request for a due process hearing to the Division no later than July 20, 2003.